



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,338	12/12/2002	Mansour J. Karam	24717-718	2450
28960 7590 10/23/2008 HAVERSTOCK & OWENS LLP 162 N WOLFE ROAD SUNNYVALE, CA 94086				
EXAMINER BENGZON, OREG C				
ART UNIT 2444		PAPER NUMBER		
MAIL DATE 10/23/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Response to Arguments

Applicant's arguments filed 09/22/2008 have been fully considered but they are not persuasive.

The Applicant presents the following argument(s) [in italics]:

The present application also discloses the useful characteristic that metrics modeled by negative linear exponential equations can be combined by multiplying them together (page 8, lines 21-27). These uses of negative linear exponential equations, recited in the claims of the present invention, were not well known in the art.

The Examiner respectfully disagrees with the Applicant.

Figure 9 of Juttner (cited in the final Office action) discloses a cost versus delay constraint graph having increasing and decreasing portions. In Juttner the decreasing portion of the curve may be described using negative exponents in exponential equations.

The Applicant presents the following argument(s) [in italics]:

If Juttner were modified to model negative linear exponential equations to derive metrics, its principle of operation-based on Lagrange relaxation-would be changed.

The Examiner respectfully disagrees with the Applicant.

The Applicant has not presented any evidence why the mathematical principles regarding negative linear exponents would not apply to the Lagrange relaxation method.

The Applicant presents the following argument(s) [in italics]:

Moreover, Figure 9 of Juttner (cited in the final Office action) discloses a cost versus delay constraint graph having increasing and decreasing portions. The final Office action states that "it would have been obvious that this portion of the Juttner curve [the decreasing portion] may be described using negative exponents in exponential equations" (italics added). Characterizing this graph with a combination of linear functions and exponential (for the decreasing portion) functions would likely increase the processing required - a result contrary to the goal of the invention-rendering Juttner unsatisfactory for its intended purpose.

The Examiner respectfully disagrees with the Applicant.

The Examiner notes that the Applicant does not dispute that Juttner's curve may be described using negative exponential equations.

While the Examiner notes that an increase in processing time is possible, the Applicant has not shown that said increase in processing time is significant thus discouraging others from using said combination of linear and exponential functions. The Examiner maintains that said increase in processing time will not be significant, that

Juttner will continue to operate within acceptable boundaries and thus rendering said use of negative exponents obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREG BENGZON whose telephone number is (571)272-3944. The examiner can normally be reached on Mon. thru Fri. 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571)272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/

Application/Control Number: 10/070,338
Art Unit: 2444

Page 5

Primary Examiner, Art Unit 2444

/G. B./
Examiner, Art Unit 2444